
HOUSE BILL 1623

State of Washington

60th Legislature

2007 Regular Session

By Representative Morris

Read first time 01/24/2007. Referred to Committee on Technology,
Energy & Communications.

1 AN ACT Relating to setting fees for utility easements on state-
2 owned aquatic lands; and amending RCW 79.110.230 and 79.110.240.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 79.110.230 and 2005 c 155 s 216 are each amended to
5 read as follows:

6 (1) The use of state-owned aquatic lands for public utility lines
7 owned by a governmental entity shall be granted by an agreement,
8 permit, or other instrument if the use is consistent with the purposes
9 of RCW 79.105.010, 79.105.030, 79.105.050, 79.105.210, 79.105.400, and
10 79.130.070 and does not obstruct navigation or other public uses. The
11 department may recover only its (~~reasonable-direct~~) administrative
12 costs incurred in processing and approving the request or application,
13 and reviewing plans for construction of public utility lines as
14 determined under RCW 79.110.240. (~~For purposes of this section,~~
15 ~~"direct administrative costs" means the cost of hours worked directly~~
16 ~~on an application or request, based on salaries and benefits, plus~~
17 ~~travel reimbursement and other actual out-of-pocket costs.—Direct))
18 Administrative costs recovered by the department must be deposited into
19 the resource management cost account.~~

1 (2) The use of state-owned aquatic lands for (~~local~~) public
2 utility lines owned by a nongovernmental entity will be granted by
3 easement if the use is consistent with the purpose of RCW 79.105.010,
4 79.105.030, 79.105.050, 79.105.210, 79.105.400, and 79.130.070 and does
5 not obstruct navigation or other public uses. The total charge for the
6 easement will be determined under RCW 79.110.240.

7 (3) Nothing in this section limits the ability of the department to
8 obtain payment for commodity costs, such as lost revenue from renewable
9 resources, resulting from the granted use of state-owned aquatic lands
10 for public utility lines.

11 **Sec. 2.** RCW 79.110.240 and 2005 c 155 s 162 are each amended to
12 read as follows:

13 (1) (~~Until July 1, 2008,~~) The charge for the term of an easement
14 granted under RCW (~~79.105.220(2)~~) 79.110.230(2) will be determined as
15 follows and will be paid in advance upon grant of the easement:

16 (a) Five thousand dollars for individual easement crossings that
17 are no longer than one mile in length;

18 (b) Twelve thousand five hundred dollars for individual easement
19 crossings that are more than one mile but less than five miles in
20 length; or

21 (c) Twenty thousand dollars for individual easement crossings that
22 are five miles or more in length.

23 (2) The charge for easements under subsection (1) of this section
24 must be adjusted annually by the rate of yearly increase in the most
25 recently published consumer price index, all urban consumers, for the
26 Seattle-Everett SMSA, over the consumer price index for the preceding
27 year, as compiled by the bureau of labor statistics, United States
28 department of labor for the state of Washington rounded up to the
29 nearest fifty dollars.

30 (3) The term of the easement (~~is~~) may not exceed thirty years.

31 (4) In addition to the charge for the easement under subsection (1)
32 of this section, the department may recover its (~~reasonable direct~~)
33 administrative costs incurred in receiving an application for the
34 easement, approving the easement, and reviewing plans for and
35 construction of the public utility lines. For the purposes of this
36 subsection, "~~(direct)~~ administrative costs" (~~means the cost of hours~~
37 ~~worked directly on an application, based on salaries and benefits, plus~~

1 ~~travel reimbursement and other actual out of pocket costs~~) is
2 equivalent to twenty percent of the fee for the easement as determined
3 under subsection (1) of this section and adjusted under subsection (2)
4 of this section. For public utility lines owned by a governmental
5 entity, the administrative costs will be calculated based on the length
6 of the easement and the fee that it would be charged if it were subject
7 to the easement charges in this section. ((Direct)) Administrative
8 costs recovered by the department must be deposited into the resource
9 management cost account.

10 (5) Applicants under RCW ~~((79.105.220(2)))~~ 79.110.230(2) providing
11 a residence with an individual service connection for electrical,
12 natural gas, cable television, or telecommunications service are not
13 required to pay the charge for the easement under subsection (1) of
14 this section but shall pay administrative costs under subsection (4) of
15 this section.

16 (6) A final decision on applications for an easement must be made
17 within one hundred twenty days after the department receives the
18 completed application and after all applicable regulatory permits for
19 the aquatic easement have been acquired. This subsection applies to
20 applications submitted before June 13, 2002, as well as to applications
21 submitted on or after June 13, 2002. Upon request of the applicant,
22 the department may reach a decision on an application within sixty days
23 and charge an additional fee for an expedited processing. The fee for
24 an expedited processing is ~~((the greater of: (a)))~~ ten percent of the
25 combined total of the easement charge and ((direct)) administrative
26 costs((; or (b) the cost of staff overtime, calculated at time and one
27 half, associated with the expedited processing)).

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